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*Attorneys for Defendants*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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MICHAEL MEAD,  
Plaintiff,

v.

WKS RESTAURANT GROUP, a  
corporation; SUNRISE RESTAURANTS, a  
limited liability company dba DENNY'S  
#7484, a corporation; and JOHN DOES 1-5,

Defendants.

**DEFENDANTS' PETITION FOR  
REMOVAL**

Third District Civil No. 210900858

Third District Judge Randall Skanchy

Defendants WKS Restaurant Group and Sunrise Restaurants, dba Denny's #7484, (hereinafter "Defendants") by and through counsel of record, hereby petition for removal of the above entitled action from the Third Judicial District Court of Salt Lake County, State of Utah, to the United States District Court for the District of Utah, Central Division. By this Petition Defendants give notice of removal of this action. This Petition for Removal is made under 20 USC §1441 and §1446 and is proper and appropriate based on the following:

1. On or about February 12, 2021, Plaintiff Michael Mead filed a complaint in the Third Judicial District Court in and for Salt Lake County, Civil Case No. 210900858 against Defendants. On or about February 19, 2021, Defendant's registered agent was served with a summons. A copy of the complaint and the summons are attached as **Exhibit A**.
2. Plaintiff's complaint alleges a negligence cause of action against Defendants arising out of a scooter crash that allegedly occurred in the parking lot at the Denny's located at approximately 500 South and 200 West in Salt Lake City, Utah, on September 3, 2020. The cause of action is negligence against Defendants. On or about March 9, 2021, Defendants filed and served their answer and reliance on jury demand to the complaint, a copy of which is attached as **Exhibit B**.
3. Upon information and belief, and as alleged in Plaintiff's complaint, Plaintiff is a resident of Salt Lake County, Utah.
4. Defendants WKS Restaurant Group is a California corporation with its principal place of business in California; and Sunrise Restaurants dba Denny's #7484 is a Nebraska corporation with its principal place of business in California. Removal of this action is proper under 28 USC §1441(b). This court has diversity jurisdiction over this matter as Defendants WKS Restaurant Group, and Sunrise Restaurants dba Denny's #7484 are foreign corporations, and Plaintiff is a resident of Salt Lake County, Utah.
5. In addition, Plaintiff has alleged special and general damages in an amount to be determined at trial but has alleged Tier 3 damages under Utah's rules of civil procedure, which are damages that exceed \$300,000. This exceeds the \$75,000 requirement for Federal diversity jurisdiction.

6. This petition for removal is filed within thirty (30) days after receipt of the complaint, as required by 28 USC §1441(b), and the removal is proper based on diversity of citizenship of the parties. Accordingly, the requirements are 28 USC §1441(a) are met.

Dated this 11<sup>th</sup> day of March, 2021.

STRONG & HANNI

*/s/ Ryan P. Atkinson*

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Ryan P. Atkinson  
Jack D. Smart  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of March, 2021 a true and correct copy of the foregoing **DEFENDANTS' PETITION FOR REMOVAL** was served by the method indicated below, to the following:

Gabriel K. White	(X)      Electronic Filing
Geena Arata	( )      U. S. Mail, Postage Prepaid
WHITE & GARNER	( )      Hand Delivered
370 East South Temple, Suite 200	( )      Overnight Mail
Salt Lake City, Utah 84101	( )      Email
Telephone: 801-849-9300	
<a href="mailto:gabriel.white@utahtriallawyers.com">gabriel.white@utahtriallawyers.com</a>	
<a href="mailto:geena.arata@utahtriallawyers.com">geena.arata@utahtriallawyers.com</a>	

*/s/ Danae Lilyquist*

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